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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,516	04/26/2006	Klemens Breitfuss	AT03 0060 US1	9614
65913	7590	06/30/2008	EXAMINER	
NXP, B.V.			DAGLAWI, AMAR A	
NXP INTELLECTUAL PROPERTY DEPARTMENT				
M/S41-SJ			ART UNIT	PAPER NUMBER
1109 MCKAY DRIVE				2618
SAN JOSE, CA 95131				
			NOTIFICATION DATE	DELIVERY MODE
			06/30/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/577,516	BREITFUSS, KLEMENS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Amar Daglawi	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 April 2008.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-11 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Amendment***

Claims 1-11 are pending in the current application. Claims 1, 5, and 11 are amended.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood, Jr. (US 6,466,771 B2) in view of MacLellan et al (US 5,940,006)

5. With respect to claim 1, Wood discloses a circuit, this circuit being provided for a communication partner appliance that is designed for contact less communication and

as a data carrier, this communication partner appliance being provided for a communication system with at least one further communication partner appliance in which circuit a first communication mode or a second communication mode can be activated, and which circuit has the means listed below:

activators for activating the first communication mode or the second communication mode (Fig.4, #38, #32, col.8, lines 29-41), and

reception means for receiving a carrier signal that is transmitted by the at least one further communication partner appliance (Fig.4, 330, col.8, lines 3-28) and

command signal recognition means for recognizing a command signal that can be transmitted with the aid of the carrier signal and for transmitting a command-end signal that represents the end of the transmitted command signal (Fig.4, #40, col.7, lines 65-67, col.8, lines 1-42, col.8, lines 54-67, col.9, lines 1-21) and

determination means for determining whether, after the occurrence of the command-end signal at a given measurement point in time, the carrier signal present signal is present, with which determination means a first activation signal can be transmitted when the carrier signal present signal is present, and otherwise a second activation signal can be transmitted, with which first activation signal the circuit can be brought into the first communication mode with the aid of the activators and with which second activation signal the circuit can be brought into the second communication mode with the aid of the activators (Fig.4, #40, col.7, lines 65-67, col.8, lines 1-41, col.8, lines 54-67).

6. However, Wood doesn't explicitly teach detectors for detecting the presence of the received carrier signal these detectors transmitting a carrier signal present signal in the event that the carrier signal is present, and otherwise transmitting a carrier signal not present signal as a consequence of a missing carrier nor does it teach generating and transmitting within the circuit of the communication partner appliance a command-end signal that represents the end of the transmitted command signal which is taught in analogous art by Maclellan (See Fig.1, Fig.9, col.3, lines 59-67, col.4, lines 1-10, col.15, lines 1-67, col.16, lines 1-36) [There exists two modes of operation one in which the reader outputs an energizing signal (carrier or continuous wave only) and the tag entering the field initiates communication with the reader called (TTF, tag-talk-first) and the second mode where the reader calls out the identity of tags (by an interrogation signal or modulated energizing signal) and the tags hearing their data acknowledge called (RTF, reader talk first)].

7. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Wood (the transponder) to incorporate the teachings of Maclellan (the detector/modulator) so as to receive a carrier or continuous wave that can be backscattered to the interrogator in a TTF mode or tag talk first mode when a tag enters the field of an energizing carrier wave that is being radiated from a reader.

8.

With respect to claim 2, Wood further teaches the activators are designed to activate a passive communication mode as the first communication mode as the first communication mode and an active communication mode as the second communication mode wherein in the case of the active communication mode a power supply for the circuit is provided that is independent of the carrier signal and in the case of the passive communication mode a power supply for the circuit is provided that is dependent on the carrier signal (Fig.4, #18, col.6, lines 41-46, col.8, lines 29-41).

With respect to claim 3, Wood further teaches a battery or accumulator is provided for the independent power supply (Fig.1, #18).

With respect to claim 4, Wood further teaches a communication partner appliance that is designed as a data carrier and is equipped with a circuit as claimed in claim1 (Fig.1, col.4, lines 1-36).

With respect to claim 5, Wood discloses A circuit , this circuit being provided for a communication partner appliance that is designed for contact less communication and as a communication station, this communication partner appliance being provided for a communication system with at least one further communication partner appliance, in which further communication partner appliance a first communication mode or a second communication mode can be activated, this circuit containing the means listed below:

- production means for producing a carrier signal (Fig.7, Fig.5, #54) , and
- transmission means for transmitting the carrier signal to the further communication partner appliance (Fig.5, #54, Fig.7, #78) , and

arranging means for arranging a communication mode (Fig.7, #77, #78), and a

generator for generating at least one command signal, which command signal can be transmitted to the further communication partner appliance with the aid of the carrier signal (Fig.7, #78, Fig.5, #54, col.7, lines 65-67, col.8, lines 1-41, col.8, lines 54-67) , and

first control elements (Fig.5, #54, col.12, lines 44-67) for transmitting a command-end signal that represents the end of the generated command signal, and second control elements (Fig.7, #77, col.12, lines 44-67) , with which second control elements after the occurrence of the command-end signal (col.7, lines 65-67, col.8, lines 1-41, col.8, lines 54-67) , the generation and/or transmission of the carrier signal can be ended at a particular point in time (col.12, lines 44-67).

9. However, Wood doesn't explicitly teach generating and transmitting within the circuit of the communication partner appliance a command-end signal that represents the end of the transmitted command signal which is taught in analogous art by Maclellan (See Fig.1, Fig.9, col.3, lines 59-67, col.4, lines 1-10, col.15, lines 1-67, col.16, lines 1-36) [There exists two modes of operation one in which the reader outputs an energizing signal (carrier or continuous wave only) and the tag entering the field initiates communication with the reader called (TTF, tag-talk-first) and the second mode where the reader calls out the identity of tags (by an interrogation signal or modulated energizing signal) and the tags hearing their data acknowledge called (RTF, reader talk first)].

10. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Wood (the transponder) to incorporate

the teachings of Maclellan (the detector/modulator) so as to receive a carrier or continuous wave that can be backscattered to the interrogator in a TTF mode or tag talk first mode when a tag enters the field of an energizing carrier wave that is being radiated from a reader.

With respect to claim 6, Wood further teaches A circuit wherein the arranging means are designed for the optional arrangement of an active communication mode or a passive communication mode, in which active communication mode the further communication partner appliance has a power supply that is independent of the carrier signal, and in which passive communication mode the further communication partner appliance has a power supply that is dependent on the carrier signal (Fig.4, #18, col.6, lines 41-46, col.8, lines 29-41).

With respect to claim 7, Wood further teaches A circuit , wherein energy source recognition means are provided, these energy source recognition means being adapted to recognize an energy source for supplying power to the circuit , and with which energy source recognition means an energy source recognition signal can be transmitted depending on the energy source that has been recognized, and wherein the arranging means are designed to arrange the communication mode depending on the energy source recognition signal (Fig.4, #18, col.6, lines 41-46, col.8, lines 29-41).

. With respect to claim 8, Wood further teaches A circuit, wherein response signal detectors are provided, for detecting a response signal transmitted by the further communication partner appliance, in the course of which detection a change-over signal can be generated, and wherein the arranging means are designed to automatically arrange the communication mode depending on the change-over signal that has been generated (col.7, lines 65-67, col.8, lines 1-41, col.8, lines 54-67, col.12, lines 44-67).

With respect to claim 9, Wood further teaches influencing means are provided for influencing a signal strength of carrier signal depending on the arranged communication mode (col.7, lines 65-67, col.8, lines 1-12).

With respect to claim 10, Wood further teaches a communication partner appliance that is designed as a communication station and is equipped with a circuit as claimed in 5 (Fig.7, Fig.5).

With respect to claim 11, Wood discloses A method for activating a first communication mode or a second communication partner appliance wherein the communication partner appliance is provided for a communication system with at least one further communication partner appliance , and wherein a carrier signal is transmitted by the at least one further communication partner appliance , this carrier signal being received with the communication partner appliance (Fig.4, #30, col.8, lines 3-28), and wherein in the communication partner appliance detection of the presence of the received carrier signal takes place, and in the event of the carrier signal

being present, a carrier signal present signal is transmitted, and otherwise a carrier signal not-present signal is transmitted (Fig.4, #38, #34, col.8, lines 29-41, col.8, lines 43-67) and

wherein recognition of a command signal that can be transmitted with the aid of the carrier signal takes place, and transmission of a command-end signal that represents the end of the transmitted command signal takes place (Fig.4, #40, col.7, lines 65-67, col.8, lines 1-42, col.8, lines 54-67, col.9, lines 1-21), and

wherein determination is carried out to see whether, after the occurrence of the command-end signal, at a measurement point in time, the carrier signal present signal is present, wherein a first activation signal is transmitted when the carrier signal present signal is present, and otherwise a second activation signal is transmitted, and wherein with the first activation signal, activation of the communication partner appliance into the first communication mode is carried out, or with the second activation signal activation of the communication partner appliance into the second communication mode is carried out (Fig.4, #40, col.7, lines 65-67, col.8, lines 1-41, col.8, lines 54-67).

11. However, Wood doesn't explicitly teach detectors for detecting the presence of the received carrier signal these detectors transmitting a carrier signal present signal in the event that the carrier signal is present, and otherwise transmitting a carrier signal not present signal as a consequence of a missing carrier nor does it teach generating and transmitting within the circuit of the communication partner appliance a command-end signal that represents the end of the transmitted command signal which is taught in analogous art by Maclellan (See Fig.1, Fig.9, col.3, lines 59-67, col.4, lines 1-10, col.15,

lines 1-67, col.16, lines 1-36) [There exists two modes of operation one in which the reader outputs an energizing signal (carrier or continuous wave only) and the tag entering the field initiates communication with the reader called (TTF, tag-talk-first) and the second mode where the reader calls out the identity of tags (by an interrogation signal or modulated energizing signal) and the tags hearing their data acknowledge called (RTF, reader talk first)].

12. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Wood (the transponder) to incorporate the teachings of Maclellan (the detector/modulator) so as to receive a carrier or continuous wave that can be backscattered to the interrogator in a TTF mode or tag talk first mode when a tag enters the field of an energizing carrier wave that is being radiated from a reader.

### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amar Daglawi whose telephone number is 571-270-1221. The examiner can normally be reached on Monday- Friday (7:30 AM- 5:00 AM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lana N. Le can be reached on 571-272-7891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amar Daglawi/  
Examiner, Art Unit 2618

/Lana N. Le/  
Acting SPE of Art Unit 2618

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